

# Attorney General Jennings Joins Lawsuit Challenging President Trump's Declaration of National Emergency

WILMINGTON – Delaware Attorney General Kathy Jennings has joined 15 other attorneys general in a lawsuit to block President Trump's unilateral spending of federal defense funds for construction of a border wall under the guise of an "emergency."

The complaint for declaratory and injunctive relief was filed Monday in U.S. District Court for Northern California. California Attorney General Xavier Becerra led the effort joined by attorneys general of Delaware, Colorado, Connecticut, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, and Virginia.

"Contrary to the will of Congress, the President has manufactured a 'crisis' of unlawful immigration to declare a national emergency and redirect federal dollars appropriated for drug interdiction and military construction toward building a wall on the United States-Mexico border," the complaint states. It further states, "If the Administration were to use the funding sources identified in the Executive Actions, Plaintiff States collectively stand to lose millions in federal funding that their national guard units receive for domestic drug interdiction and counterdrug activities. Plaintiff States will also stand to lose millions of dollars received on an annual basis for law enforcement programs from the Treasury Forfeiture Fund. The loss of funding will harm the public safety of Plaintiff States."

In a section of the complaint regarding potential harm to Delaware, the complaint states, "The diversion of any funding from Delaware's National Guard, Dover Air Force Base, and any other military construction project, drug interdiction, or other law enforcement program in the State of Delaware will harm Delaware residents by depleting Delaware's economy and draining the State of Delaware of needed fiscal resources."

Attorney General Jennings said the president's actions are an unconstitutional violation of the separation of powers between the executive and legislative branches and cannot be allowed.

"We cannot devolve into a system where Congress chooses not to fund something and the president – whoever it is in the White House – simply can grab other funds to do what he wants," Attorney General Jennings said. "Everyone from the Founding Fathers to members of Congress to seventh-grade social studies students know that's not the way it is supposed to work, and that it is dangerous to start down that road."

The full filed complaint from the 16 states can be found [here](#).